



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,504	12/14/2001	John O. Lamping	020087-003500US	5615

20350 7590 09/01/2004

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/017,504	LAMPING ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cindy Nguyen	2171	

All participants (applicant, applicant's representative, PTO personnel):

(1) Cindy Nguyen.

(3) Tyrome Y. Brown.

(2) Safet Metjahic.

(4) \_\_\_\_\_.

Date of Interview: 08/27/04.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: Proposed claim 1.

Identification of prior art discussed: Doerre et al. (U.S 6446061).

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
**SAFET METJAHIC**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant proposed to amend claim 4 by placing it in independent form. Because proposed claim 4 does not alter the scope of the claimed invention, the Examiners agreed to enter the amendment upon formal filing. Also, the Examiners agreed that the claim as the result organization structure comprising at least a portion of the initial organization structure and at least one additional category coupled to the initial organization structure distinguishes over Doerre as far as 102 rejection concerned.

**TOWNSEND**  
*and*  
**TOWNSEND**  
*and*  
**CREW**  
LLP

San Francisco, California  
Tel 415 578-0200

Walnut Creek, California  
Tel 925 472-6000

San Diego, California  
Tel 619 350-6100

Denver, Colorado  
Tel 303 571-4000

Seattle, Washington  
Tel 206 467-9800

**Palo Alto**

379 Lytton Avenue  
Palo Alto  
California 94301-1431  
Tel 650-326-2400  
Fax 650-326-2422

**FACSIMILE COVER SHEET**

**Date:**

**August 12, 2004**

**Client & Matter Number:**

**U.S. Patent  
Application No.  
10/017,504; Dckt. No.  
020087-003500US**

**No. Pages (including this one):**

**3**

**To:**

**Examiner Cindy Nguyen  
United States Patent Office**

**At Fax Number:**

**703-746-9026**

**Confirmation Phone Number:**

**From: Tyrome Y. Brown**

**(5434)**

**Message:** Please find attached an agenda for the above-identified application for Examiner Interview.

Thank you

**Original  
Will:**

**BE SENT BY MAIL**

**BE SENT BY FEDEX/OVERNIGHT COURIER**

**BE SENT BY MESSENGER**

**X**

**NOT BE SENT**

**Faxed:**

**Return to: Andrea S. Beek - (5505)**

**If you have problems with reception please call Fax Services at extension 5565**

**Important**

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and/or exempt from disclosure by applicable law or court order. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the United States Postal Service. Thank you.

## INFORMAL COMMUNICATION

Examiner Interview Agenda  
Scheduled for: To Be Determined

Application No.: 10/017,504 for

METHOD AND SYSTEM FOR GUIDED CLUSTER BASED PROCESSING ON PROTOTYPES

Filing Date: 12/14/2001

Inventor: John O. Lamping et al.

Attorney Docket No.: 020087-003500US

Examiner: Cindy Nguyen

Attendee: Tyrome Y. Brown (Reg. No. 46,580); telephone: 650-752-2434

## AGENDA:

1. Prospective Claim Amendments

Claim 1. (Currently amended) A method for clustering a plurality of items, each of the items including information, guided toward an initial organization structure, the method comprising:

inputting a plurality of items, each of the items including information, into a clustering process;

inputting an initial organization structure into the clustering process, the initial organization structure including one or more categories, at least one of the categories being associated with one of the items;

processing using at least processing hardware the plurality of items based upon at least the initial organization structure and the information in each of the items in at least the clustering process;

determining a resulting organization structure based upon the processing of the plurality of items, the initial organization structure, and the information in each of the items, the resulting organization structure comprising at least a portion of more closely resembling the initial organization structure and at least one additional category coupled to the initial organization structure than if an empty organization structure or an alternative initial organization structure had been input

~~into the clustering process;~~ and

storing the resulting organization structure in memory.

1. Discuss U.S. patent 6,446,061 to Doerre et al.

Nowhere does Doerre discuss a "resulting organization structure comprising at least a portion of the initial organization structure and at least one additional category coupled to the initial organization structure." Applicants' respectfully submit that passages of Doerre cited by Examiner do not show this feature.

In the final Office Action, Examiner states, "Doerre clearly discloses: at least one additional category coupled to the initial organization structure, see col. 18, lines 52-67." (Office Action: p. 2). However, the cited passages discuss a bottom-up algorithm, which "starts with the individual documents and builds the bottom clusters first." (emphasis added; Doerre: col. 18, lines 53-56). It is clear that Doerre does not use an initial organization structure for taxonomy generation, and thus cannot couple at least one additional category to the initial organization structure. In fact, the predefined categories (which Examiner analogies to the initial organization structure as discussed below) do not even exist until after hierarchical clustering is completed.

Examiner states, "[i]n response, Doerre clearly discloses: inputting an initial organization structure into the clustering process as to categorize objects means to assign them to predefined categories or classes... see col. 14, lines 26-56." (Office Action: p. 2). However, Doerre's predefined categories are created after taxonomy/hierarchy generation. This is clear from Fig. 2 of Doerre, which shows hierarchical clustering in step 203 to create a taxonomy 213 before the existence of category scheme 215. In other words, the predefined categories cited by Examiner are the final categories, and no new categories are added thereto.